

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0360

SENATE HEALTH AND HUMAN SERVICES

ENGROSSED NO. **SB 21** - 1/13/2012

Introduced by: The Committee on Health and Human Services at the request of the  
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to repeal and revise certain outdated provisions relating to  
2 the Department of Human Services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-36A-8 be repealed.

5 ~~— 1-36A-8. The Department of Human Services shall, under the direction and control of the~~  
6 ~~secretary of human services, perform all administrative functions except special budgetary~~  
7 ~~functions (as defined in § 1-32-1) of the advisory committee on employment of people with~~  
8 ~~disabilities, created by chapter 60-7.~~

9 Section 2. That § 1-36A-10 be repealed.

10 ~~— 1-36A-10. The Board of Vocational Rehabilitation may promulgate rules for the Division~~  
11 ~~of Rehabilitation Services in accordance with chapter 1-26 except for those functions reserved~~  
12 ~~to the Department of Human Services by §§ 28-9-40 and 28-9-44. The board may advise the~~  
13 ~~director of rehabilitation services in the development of state plans, policy related to the~~  
14 ~~expenditure of federal and state funds and the coordination of planning and service delivery to~~



1 individuals involved in vocational rehabilitation and independent living services. The board may  
2 serve as an advocate for all individuals, with disabilities, needing vocational rehabilitation and  
3 independent living services within the state. The board may prepare an annual written report to  
4 the Governor.

5 Section 3. That § 28-9-48 be repealed.

6 ~~—28-9-48. The Governor's Advisory Committee on Employment of People with Disabilities~~  
7 ~~shall promote and solicit employment opportunities for qualified individuals with disabilities~~  
8 ~~and conduct a public education program concerning the abilities of people with disabilities to~~  
9 ~~live independently.~~

10 Section 4. That § 28-9-49 be repealed.

11 ~~—28-9-49. The committee is hereby authorized to accept any private contributions or public~~  
12 ~~funds to assist in promoting the activities of this committee in carrying out its purpose.~~

13 Section 5. That § 28-10-11 be amended to read as follows:

14 28-10-11. Except as otherwise provided by law or as specified in the state plan agreement  
15 with the federal government, the following rehabilitation services shall be provided to  
16 individuals with a visual ~~disabilities~~ impairment based upon their economic need:

- 17 (1) Physical restoration;
- 18 (2) Transportation not provided to determine the eligibility of the individual for  
19 vocational rehabilitation services and the nature and extent of the services necessary;
- 20 (3) Occupational licenses;
- 21 (4) Customary occupational tools and equipment, excluding computer-related assistive  
22 technology devices needed to overcome visual disability as an impediment to  
23 employment for competitive employment purposes;
- 24 (5) Maintenance;

- 1 (6) Training books and materials; and
- 2 (7) Tuition and fees for participating in postsecondary academic training programs under
- 3 the Federal Student Financial Assistance Program.

4 Section 6. That § 36-9-28 be amended to read as follows:

5 36-9-28. This chapter does not prohibit:

- 6 (1) Any nursing assistance in an emergency;
- 7 (2) The practice of nursing included in a program of study by a student enrolled in an
- 8 approved program for the preparation of registered nurses or licensed practical
- 9 nurses;
- 10 (3) The practice of a legally qualified nurse from another state employed by the United
- 11 States government and performing her official duty in this state;
- 12 (4) Gratuitous care of friends or members of the family;
- 13 (5) Domestic administration of family remedies, or care of the sick by domestic servants,
- 14 housekeepers, companions or household aides of any type, whether employed
- 15 regularly or because of an emergency or illness, but who shall not in any way assume
- 16 to practice nursing as defined in this chapter;
- 17 (6) The nursing or care of the sick, with or without compensation, when done in
- 18 connection with the practice of the religious tenets of any church by adherents
- 19 thereof, so long as they do not engage in the practice of nursing as defined in this
- 20 chapter;
- 21 (7) The practice of nursing in this state by a nurse currently licensed in another state or
- 22 territory whose employment requires her to accompany and care for a patient in
- 23 South Dakota during one such employment not to exceed three months in length;
- 24 provided, however, that such person shall not hold herself out to be licensed in this

- 1 state;
- 2 (8) The practice of the functions of a certified registered nurse anesthetist by a registered  
3 nurse enrolled as a student in an approved program for the preparation of certified  
4 registered nurse anesthetists;
- 5 (9) The practice of nursing in this state by a nurse currently licensed in another state,  
6 territory or foreign country who is present in this state to lecture relative to the  
7 practice of nursing for a period of not more than five days;
- 8 (10) The administration of medications, other than by the parenteral route, by staff of  
9 community support providers, group homes, and supervised apartments certified or  
10 approved by the ~~Department of Social Services~~ Department of Human Services,  
11 when under the supervision of a licensed registered nurse. The ~~Department of Social~~  
12 ~~Services~~ Department of Human Services, in consultation with the South Dakota  
13 Board of Nursing, shall promulgate rules pursuant to chapter 1-26 for administration  
14 of medications by such staff;
- 15 (11) The assistance with or performance of bowel and bladder care, other than the  
16 insertion or removal of suprapubic and foley catheters, by domestic servants,  
17 housekeepers, companions or household aides, at the direction of a person needing  
18 such care who resides independently outside of any hospital, nursing or health care  
19 facility or other similar institutional setting;
- 20 (12) The administration of medications, other than by the parenteral route, by staff of  
21 community mental health centers, community mental health residential facilities, and  
22 community support services programs certified or approved by the Department of  
23 Social Services. The administration of medications shall be under the direct or  
24 indirect supervision of a registered nurse. The Department of Social Services and the

1 South Dakota Board of Nursing shall promulgate rules pursuant to chapter 1-26 for  
2 administration of medications by such staff;

3 (13) The services performed in accordance with § 28-8A-10 by a personal attendant when  
4 acting at the direction of a person with a disability;

5 (14) The practice of nursing included in a program of study by a registered nurse enrolled  
6 in an approved program for the preparation of a clinical nurse specialist.